



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/129,565 08/05/98 GRAHAM B 3324

STEVEN L. HIGHLANDER
ARNOLD WHITE & DURKEE
750 BERING DRIVE
HOUSTON TX 77057-2198

HM12/0130

EXAMINER

SCHEINER, L

ART UNIT

PAPER NUMBER

1648

DATE MAILED:

01/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/129,565

Applicant(s)
Graham et al.

Examiner
Laurie Scheiner

Group Art Unit
1648



☒ Responsive to communication(s) filed on Nov 14, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-74 is/are pending in the application.

Of the above, claim(s) 7-74 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 1648

Claims 1-74 are pending in this application. Claims 11-74 are withdrawn from consideration pursuant to a restriction requirement set forth in Paper No. 9. Claims 1-6 have been examined as reading on applicants elected species (Paper No. 17).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimura et al. (Biochemical and Biophysical Research Communications 227, 750-754 (1996)).

Nishimura et al. clearly teach an isolated peptide of about 7 to 100 amino acid residues comprising a viral fusion protein binding domain of the RhoA protein (FIG. 3 at page 752). Moreover, the more narrowly drafted instant dependent claims are also anticipated by the reference due to breadth of recited language. That is, the specific instant sequence identifiers are set forth following the recitation of "comprising" and are therefore not limited by the SEQ ID Nos. Nishimura et al. clearly teach a RhoA peptide having at least the specific recited sequences of the dependent claims while falling within the range of about 7 to 100 amino acid residues.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Niiro et al. (Biochemical and Biophysical Research Communications 230, 356-359 (1997)).

Niiro et al. clearly teach an isolated peptide of about 7 to 100 amino acid residues comprising a viral fusion protein binding domain of the RhoA protein (FIG. 3 at page 358). Moreover, the more narrowly drafted instant dependent claims are also anticipated by the reference due to breadth of recited language. That is, the specific instant sequence identifiers


Art Unit: 1648



are set forth following the recitation of "comprising" and are therefore not limited by the SEQ ID Nos. Niiro et al. clearly teach a RhoA peptide having at least the specific recited sequences of the dependent claims while falling within the range of about 7 to 100 amino acid residues.

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Scheiner, whose telephone number is (703) 308-1122. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.

Correspondence related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Official communications should be directed toward one of the following Group 1600 fax numbers: (703) 308-4242 or (703) 305-3014. Informal communications may be submitted directly to the Examiner through the following fax number: (703) 308-4426. Applicants are encouraged to notify the Examiner prior to the submission of such documents to facilitate their expeditious processing and entry.


Laurie Scheiner/LAS
January 25, 2001



LAURIE SCHEINER
PRIMARY EXAMINER